

### **REMARKS**

In the Office action mailed on April 11, 2005, the Examiner considered claims 64-81.<sup>1</sup> Claims 64, 66, 67, 71, and 74-77 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,567,898 to Fein ("Fein") and by U.S. Patent No. 4,764,656 to Browning ("Browning"). Claims 65, 68-70, 72, 73 and 78-81 were objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form. In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection and objection.

Claims 64, 66, 67, 71, and 74-77 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fein and also by Browning. For a claim to be anticipated under 35 U.S.C. § 102(b), the cited reference must teach or suggest each and every limitation in the claim. Applicants respectfully submit that neither Fein nor Browning, for the reasons discussed below, disclose every claim element of the claimed invention.

Applicants' independent claim 64 recites a conductive fluid jet cutting system for modifying a workpiece. The conductive fluid jet cutting system includes a dispenser comprising an electrically conductive crucible for dispensing a jet stream of an electrically conductive fluid. Applicants respectfully submit that neither Fein nor Browning disclose a crucible. According to the American Heritage Dictionary, 3<sup>rd</sup> Edition, a crucible is, "a vessel made of a refractory substance such as graphite or porcelain, used for melting and calcining materials at high temperatures." Applicants claim 64 includes a crucible, described in the application as made of a refractory material (e.g., p. 14, lines 8-9).

Applicants respectfully submit that Fein fails to teach or suggest a dispenser which includes an electrically conductive crucible. As described above, a crucible is made of a refractory substance. Nowhere in Fein's disclosure does he teach or suggest the use of a crucible (i.e., a vessel made from a refractory substance), as claimed by Applicants. Rather, Fein discloses a holder (16) including a central bore (18) for the receipt of plasma gas; see, for

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<sup>1</sup> Pending claim 82 has been withdrawn from consideration as a result of Applicants' response to the restriction requirement issued on February 4, 2005.

example, Column 2, line 57 to Column 3, line 20 of Fein. Fein's disclosure is silent as to what the material of which the holder (16) is formed and thus Fein fails to teach or suggest a crucible.

Browning also fails to teach or suggest a crucible as claimed by Applicants. On Page 2 of the Office Action describes the torch body (10') of Browning as an electrically conductive crucible. Applicants respectfully disagree with this characterization. In Column 4, lines 36-39 of Browning, the torch body (10') is defined as being a "metal torch body." Applicants submit that a "metal torch body" is not a crucible (i.e., of a refractory material) as claimed by Applicants' claim 64.

Since neither Fein nor Browning teach or suggest a conductive fluid jet cutting system including an electrically conductive crucible as claimed by Applicants, Applicants respectfully submit that at least this element of Applicants' claim is missing from the cited references. Accordingly, Applicants submit that claim 64 defines patentable subject matter.

Since claims 65-81 each depend from independent claim 64, Applicants respectfully submit that claims 65-81 also define patentable subject matter.

Applicants note that Browning has not been included on the PTO-892 form mailed from the U.S. Patent Office on April 11, 2005. Applicants respectfully request that the Examiner provide Applicants with a second PTO-892 form which includes Browning.

**CONCLUSION**

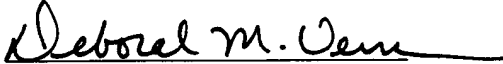
In view of the foregoing, Applicants respectfully submit that the claims 64-81 are in condition for allowance and request favorable action. The Examiner is invited to contact Applicants' agent at the number below if in the Examiner's view it would expedite the examination of the application.

The Commissioner is hereby authorized to charge any fee occasioned by the entry of this paper to Attorney's Deposit Account No. 50-3081.

Respectfully submitted,

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Date

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